

No. 2779/2006
Presented by Shri. Manoj Kumar
dated 29/05/06

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4/2002

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH**

W.P. NO. 2695 /2006

PETITIONER

: Karan Singh Thakur, Aged about 51 years,
S/o. Gujarat Singh, R/o. Village Mudhena,
Post Belsondha, Tah. & Distt Mahasamund
(CG)

VERSUS

RESPONDENTS

- 1] State of Chhattisgarh,
Through: Secretary, Mineral Resources
(खनिज संसाधन) Deptt, D.K.S. Bhawan,
Raipur (C.G.)
- 2] Collector, (Mining), Mahasamund,
District Mahasamund (CG)
- 3] Director, Geology & Mining,
Chhattisgarh, Raipur, Distt Raipur (CG)
- 4] Narendra Singh S/o. Bramha Singh,
Aged about 45 years, R/o. Village
Govinda, Tahsil Arang, Post Paragaon,
District Raipur (CG)

RECEIVED-COPY
Substantive
25-05-06

CLERK to A. G. BILASPUR

**WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA**

HIGH COURT OF CHHATTISGARH AT BILASPUR-----
S.B. : HON'BLE SHRI SATISH K. AGNIHOTRI, VACATION JUDGE
-----WRIT PETITION NO.2695 OF 2006Petitioner : Karan Singh ThakurversusRespondents : State of Chhattisgarh and
others-----
Present : Mr. V.A. Goverdhan, counsel for the petitioner,
Mr. Yashwant Singh Thakur, Government Advocate for
respondents No.1, 2 and 3.
-----ORAL ORDER(Passed on 5th June, 2006)

In the present petition, the petitioner has impugned the order dated 9-5-2006 passed by Under Secretary to the Government of Chhattisgarh, Mineral Resources Department, holding that *prima facie* it appeared that the petitioner has not obtained consent of all the land owners of Khasra No.6 and 9. The revisional authority has remanded back the matter to the Collector, Mahasamund to consider case of the petitioner afresh with regard to grant of lease in dispute. This Court in exercise of its writ jurisdiction under Article 227 of the Constitution cannot go into the finding of facts as to whether the petitioner has obtained consent of all the

land holders of Khasra No.6 and 9. The Collector, Mahasamund has accordingly been directed to consider case of the petitioner afresh.

2. No case has been made out for interference by this Court. However, having regard to the facts and circumstances of the case, Collector, Mahasamund is directed to consider case of the petitioner after providing sufficient opportunity of hearing to all the parties, within a period of six weeks from today and pass appropriate order. In the meantime, the land in dispute bearing Khasra No.6 and 9 be not allotted/alienated to any other person.

3. For the reasons stated above, this petition stands disposed of. In view of the above, M.(W.)P.No.2038/2006, an application for grant of ad-interim relief stands disposed of, I.A.No.5321/2006, an application for hearing the matter during summer vacation stands allowed and I.A.No.5320/2006, an application for urgent hearing stands disposed of. No order as to costs.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Vacation Judge